

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIS ALBERTO ALVAREZ, JR.,  
Individually and on behalf of himself and  
others similarly situated

Plaintiff,

v.

NATIONAL DEBT RELIEF, LLC, DANIEL  
TILIPMAN, and ALEX KLEYNER

Defendants.

Civ. A. No. 1:16-cv04156-CM

**NOTICE OF MOTION TO DISMISS OR  
IN THE ALTERNATIVE STAY THE  
PROCEEDING AND COMPEL  
ARBITRATION**

PLEASE TAKE NOTICE that upon the accompanying Affirmation of Jerrold F. Goldberg, dated July 5, 2015, together with the exhibit thereto, the Affidavit of Joanne Murray, dated July 5, 2015, and the Memorandum of Law In Support, defendant National Debt Relief LLC<sup>1</sup>, will move this Court before the Honorable Chief Judge Colleen McMahon, District Judge, United States District Court for the Southern District of New York, at the Courthouse, 500 Pearl Street, Courtroom 24A, New York, New York 10007, for an order, pursuant to Rule 12(b) of the Federal Rules of Civil Procedures and 9 U.S.C. §§ 3 and 4 of the Federal Arbitration Act (“FAA”), dismissing the Complaint in its entirety, awarding defendants their attorneys’ fees, or in the alternative staying these proceedings and compelling plaintiff Alvarez to arbitrate his dispute, and granting such other and further relief as the Court deems to be just.

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<sup>1</sup> Plaintiff has yet to serve the complaint on the individual Defendants Daniel Tilipman and Alex Kleyner. Accordingly, they are not party to the instant Motion. Greenberg Traurig, LLP, however, represents both individuals for purposes of this action, and will appear on their behalf at the appropriate time. Greenberg Traurig can confirm that both individuals understand that as officers of NDR, they too must arbitrate any disputes between and amongst them, NDR, and employees, and that they therefore agree to the relief sought in this Motion.

Dated: May 3, 2017

Respectfully submitted,

/s/ James N. Boudreau

James N. Boudreau (*admitted pro hac vice*)

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*Attorneys for Defendant National Debt Relief,  
LLC*

**CERTIFICATE OF SERVICE**

I, James N. Boudreau, hereby certify that on the 3rd day of May, 2017, I served a true and correct copy of the foregoing Notice of Motion to Dismiss or In the Alternative Stay the Proceeding and Compel Arbitration, Memorandum in Support, Affidavit of Joanne P. Murray, Affirmation of Jerrold F. Goldberg, and annexed exhibits on all counsel of record via the Court's CM/ECF System.

/s/ James N. Boudreau

James N. Boudreau